

Senate Engrossed House Bill

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
First Regular Session  
2005

CHAPTER 238

# HOUSE BILL 2544

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-242; RELATING TO THE DEPARTMENT OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 2, article 2, Arizona Revised Statutes,  
3 is amended by adding section 15-242, to read:

4 15-242. Nutritional standards

5 A. BY JULY 1, 2006, THE DEPARTMENT SHALL DEVELOP MINIMUM NUTRITION  
6 STANDARDS THAT MEET AT LEAST FEDERAL GUIDELINES AND REGULATIONS FOR FOODS AND  
7 BEVERAGES SOLD OR SERVED ON THE SCHOOL GROUNDS OF ELEMENTARY SCHOOLS, MIDDLE  
8 SCHOOLS AND JUNIOR HIGH SCHOOLS DURING THE NORMAL SCHOOL DAY. THESE NUTRITION  
9 STANDARDS MAY INCLUDE PORTION SIZES, MINIMUM NUTRIENT VALUES AND A LISTING OF  
10 CONTENTS. THIS SUBSECTION DOES NOT PROHIBIT THE DEPARTMENT FROM DEVELOPING  
11 MINIMUM NUTRITION STANDARDS THAT ARE MORE STRINGENT THAN THE FEDERAL  
12 GUIDELINES AND REGULATIONS FOR FOODS AND BEVERAGES SOLD OR SERVED ON SCHOOL  
13 GROUNDS DURING THE NORMAL SCHOOL DAY.

14 B. ALL ELEMENTARY SCHOOLS, MIDDLE SCHOOLS AND JUNIOR HIGH SCHOOLS  
15 SHALL PARTICIPATE IN THE NATIONAL SCHOOL LUNCH PROGRAM AS DEFINED IN PUBLIC  
16 LAW 108-265 EXCEPT THAT A SCHOOL DISTRICT WITH FEWER THAN ONE HUNDRED PUPILS  
17 THAT IS NOT CURRENTLY PARTICIPATING IN THE NATIONAL SCHOOL LUNCH PROGRAM MAY  
18 BE EXEMPT FROM THIS SUBSECTION IF THE SCHOOL DISTRICT GOVERNING BOARD  
19 DETERMINES AT A PUBLIC MEETING TO NOT PARTICIPATE IN THE REQUIREMENTS OF THIS  
20 SUBSECTION.

21 C. FOOD AND BEVERAGES SOLD OR SERVED ON THE SCHOOL GROUNDS OF  
22 ELEMENTARY SCHOOLS, MIDDLE SCHOOLS AND JUNIOR HIGH SCHOOLS OR AT  
23 SCHOOL-SPONSORED EVENTS OF ELEMENTARY SCHOOLS, MIDDLE SCHOOLS AND JUNIOR HIGH  
24 SCHOOLS DURING THE NORMAL SCHOOL DAY SHALL MEET THE NUTRITION STANDARDS  
25 DEVELOPED BY THE DEPARTMENT, INCLUDING FOODS AND BEVERAGES OFFERED AS ANY OF  
26 THE FOLLOWING:

27 1. A LA CARTE ITEMS IN THE FOOD SERVICE PROGRAM.

28 2. FOOD AND BEVERAGES SOLD IN VENDING MACHINES, SNACK BARS AND  
29 MEAL-PERIOD KIOSKS AND AT SCHOOL STORES.

30 D. FOODS OF MINIMAL NUTRITIONAL VALUE AS DEFINED BY 7 CODE OF FEDERAL  
31 REGULATIONS SECTION 210.11(2) SHALL NOT BE SERVED OR SOLD DURING THE NORMAL  
32 SCHOOL DAY ON ANY ELEMENTARY SCHOOL, MIDDLE SCHOOL OR JUNIOR HIGH SCHOOL  
33 CAMPUS.

34 E. BEGINNING ON JULY 15, 2006, NEW CONTRACTS AND RENEWAL CONTRACTS FOR  
35 FOOD OR BEVERAGES, OR BOTH, SHALL EXPRESSLY PROHIBIT THE SALE OF SUGARED,  
36 CARBONATED BEVERAGES AND ALL OTHER FOODS OF MINIMAL NUTRITIONAL VALUE AS  
37 DEFINED BY 7 CODE OF FEDERAL REGULATIONS SECTION 210.11(2) ON ELEMENTARY  
38 SCHOOL, MIDDLE SCHOOL AND JUNIOR HIGH SCHOOL CAMPUSES. THE DEPARTMENT MAY  
39 APPROVE, ON OR AFTER THE EFFECTIVE DATE OF THIS ACT, A CARBONATED DRINK THAT  
40 IS DETERMINED BY THE DEPARTMENT TO MEET OR EXCEED THE DEPARTMENT'S MINIMUM  
41 NUTRITION STANDARDS.

1 F. PARENTS, PUPILS AND COMMUNITY MEMBERS MAY REVIEW FOOD AND BEVERAGE  
2 CONTRACTS TO ENSURE THAT FOOD AND BEVERAGES SOLD ON ELEMENTARY SCHOOL, MIDDLE  
3 SCHOOL AND JUNIOR HIGH SCHOOL CAMPUSES PROVIDE NUTRITIOUS SUSTENANCE TO  
4 PUPILS, PROMOTE GOOD HEALTH, HELP STUDENTS LEARN, PROVIDE ENERGY AND MODEL  
5 FIT LIVING FOR LIFE.

6 G. SCHOOL DISTRICTS THAT OFFER INSTRUCTION IN GRADES NINE THROUGH  
7 TWELVE MAY ADOPT NUTRITION STANDARDS FOR HIGH SCHOOL CAMPUSES.

8 H. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

9 1. PROHIBIT A SCHOOL DISTRICT FROM DEVELOPING AND ADOPTING NUTRITION  
10 STANDARDS THAT ARE MORE STRINGENT THAN THOSE DEVELOPED PURSUANT TO THIS  
11 SECTION.

12 2. PROHIBIT OR LIMIT THE SALE OR DISTRIBUTION OF ANY FOOD OR BEVERAGE  
13 ITEM THROUGH FUNDRAISING ACTIVITIES OF STUDENTS, TEACHERS OR EDUCATIONAL  
14 GROUPS WHEN THE ITEMS ARE INTENDED FOR SALE OFF THE SCHOOL GROUNDS.

15 3. PROHIBIT OR LIMIT THE SALE OR DISTRIBUTION OF ANY FOOD OR BEVERAGE  
16 ITEMS TO TEACHERS, ADMINISTRATORS OR OTHER ADULTS IN A FACULTY LOUNGE OR  
17 UNDER OTHER CIRCUMSTANCES WHERE THE SALE OR DISTRIBUTION IS LIMITED TO  
18 TEACHERS, ADMINISTRATORS OR OTHER ADULTS.

19 I. SCHOOL DISTRICTS THAT OFFER INSTRUCTION IN GRADES NINE THROUGH  
20 TWELVE MAY ADOPT NUTRITION STANDARDS FOR HIGH SCHOOL CAMPUSES.

APPROVED BY THE GOVERNOR APRIL 26, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2005.



Passed the House March 8, 2005

Passed the Senate April 14, 2005

by the following vote: 39 Ayes,

by the following vote: 19 Ayes,

19 Nays, 2 Not Voting

11 Nays, 0 Not Voting

  
Speaker of the House

  
President of the Senate

  
Chief Clerk of the House

  
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary to the Governor~~

~~Approved this \_\_\_\_\_ day of~~

~~\_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Governor of Arizona~~

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary of State~~


H.B. 2544

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 20, 2005.

by the following vote: 34 Ayes,

26 Nays, 0 Not Voting

  
\_\_\_\_\_  
Forman L. Moore  
Speaker of the House  
Pro Tempore  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20th day of April, 2005

at 4:40 o'clock P. M.

  
\_\_\_\_\_  
Jennifer L. Parra  
Secretary to the Governor

Approved this 26 day of

April, 2005,

at 9:20 o'clock A. M.

  
\_\_\_\_\_  
Governor of Arizona

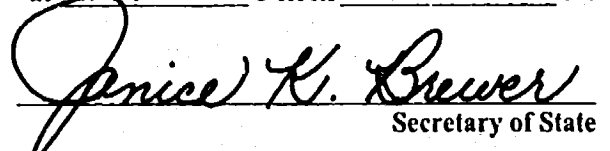
H.B. 2544

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 26 day of April, 2005,

at 10:03 o'clock A. M.

  
\_\_\_\_\_  
Janice K. Brewer  
Secretary of State